

sioners or veterinarian to examine such stock, or shall hinder or obstruct such examination, shall be fined not less than \$100 and not more than \$500 for each animal so owned, and the fine shall be a lien on said property. By section 11 it is provided that any person who shall have in his possession any livestock affected with a contagious disease, knowing the same to be so affected, who shall permit such stock to run at large, or who shall keep such stock where stock not his own and not so affected may be exposed to its contagion, shall be fined not less than \$100 nor more than \$500 for each head of stock, which shall be a lien thereon. The price of stock ordinarily affected by this bill will probably vary from \$10 to \$15 per head, and none will exceed \$25 per head. The lowest fine imposed in any of the sections noted is \$10 per head, and, consequently, scarcely any case will arise where the entire property will not be taken to discharge the fine. The bill will necessarily affect large bunches of cattle rather than isolated heads, and under three sections of the bill the lowest fine imposed on the owner of a herd of 100 will be \$10,000, or, measured by the highest price of cattle, \$7500 beyond the value of the herd. Section 10 is particularly obnoxious and oppressive. Under that section, if a person owns or is in possession of stock merely *reported* to be affected with a contagious disease, and refuses to permit it to be examined, or shall hinder or obstruct such examination, he may have the entire herd confiscated, though in truth it may be wholly free from such disease. Anxious to promote the livestock interests of the State, my opinion in matters of detail would be yielded to the Legislature, but the objections to the bill being constitutional or resting upon principle, it can neither be approved nor permitted to become a law.

C. A. CULBERSON.

Senator Bailey moved to suspend the regular order to take up, on third reading,

House bill No. 157, a bill to be entitled "An act to amend article 2977 of chapter 4, title 55, of the Revised Statutes of the State of Texas relating to divorce, so as to permit the wife to obtain a divorce where the husband shall have left her for one year with intention of abandonment, or for non-support, on the part of the husband, as well as for the continued drunkenness of either the husband or wife,

and to repeal all laws in conflict herewith."

Pending action,

Senator Colquitt moved that the Senate adjourn to 3 p. m. to-day.

Senator Greer moved that the Senate adjourn to 10 a. m. Monday.

The Senate adjourned to 10 a. m. Monday.

## EIGHTY-SIXTH DAY.

Senate Chamber,

Austin, Tex., Monday, May 3, 1897.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

### Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We bless Thee that we need Thee every day. Were we less, we could do without Thee the better; but being what we are, we long for Thee. Our rest is in Thy peace; our security is in Thy Almightiness and our hope is in Thy grace. With bowed heads we would recognize Thy goodness and praise, and give thanks to Thee for all that Thou hast given us, whether it came in dark or light, pain or joy. For the whole discipline of life, and the hope of that life toward which this one is moving and with some of us hastening, we render Thee thanks. Bless all whom we love, not according to our desires, but according to the riches of Thy own thought and love and mercy. If there are those who are adverse to us and at enmity with us, if we have offended them and they are justly angry toward us, teach us, we beseech Thee, to make atonement;

and if they are angry without a cause, forgive them, and show them a better way. Direct us to-day, we pray, for Christ's sake. Amen.

Pending reading of the Journal of Saturday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Greer,

Senator Beall was excused for absence on last Saturday.

On motion of Senator Lewis,

The Secretary, Mr. Lambert, was excused for absence during last week, on account of sickness and death in his family.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 1, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 15, to amend article XI of the Constitution of the State, by adding thereto section 12.

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Judicial Districts, to whom was referred

House bill No. 456, a bill to be entitled "An act to amend subdivision 13, article 22, title 4, of the Revised Civil Statutes of the State of Texas, and to change and fix the times of holding courts in the Thirteenth Judicial District of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

BEALL, Acting Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Counties and County Boundaries, to whom was referred

House bill No. 601, a bill to be entitled "An act to provide for the disorganization of the county of Loving, in the State of Texas, and to attach said county to the county of Reeves for judicial purposes, and to provide for the assessment and collection of taxes in

said county for the payment of the outstanding indebtedness of the said county."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODS, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House of Representatives:

Your free conference committee, to whom was referred

Substitute House bill No. 413, a bill to be entitled "An act to amend article 3384, title LXIX, of the Revised Civil Statutes of the State of Texas, relating to local option."

With Senate amendments thereto, have had the same under consideration, and respectfully report back the following substitute in lieu of the said bill and amendments, and recommend the adoption of the substitute.

GREER,  
COLQUITT,  
KERR,

On part of the Senate.

McGAUGHEY,  
MORRIS,  
STAPLES,  
BLAIR,

On part of the House.

A bill to be entitled "An act to amend article 3384, title LXIX of the Revised Civil Statutes of the State of Texas, relating to local option.

Section 1. Be it enacted by the Legislature of the State of Texas, that article 3384, title LXIX, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as hereafter to read as follows:

"Article 3384. The commissioners court of each county in the State, whenever they deem it expedient, may order an election to be held by the qualified voters of said county or of any commissioner's or justice's precinct or school district, or any two or more of any such political subdivisions of a county as may be designated by the commissioners court of said county, to determine whether or not the sale of intoxicating liquors shall be prohibited in such county, commissioner's or justice's precinct or school district, or any two or more of any such political subdivisions, of such county, or in any town or city; provided, it shall be the duty of said commissioners court to order the election aforesaid whenever pe-

tioned so to do by as many as 250 voters in any county, or 50 voters in any other political subdivision of the county or school district as shall be designated by said court, or in any city or town as the case may be; provided, that if the precinct or precincts designated embrace within the limits an incorporated town or city, then such election shall only be ordered when the petition for same is signed by qualified voters, not less than one-tenth in number of the total vote cast for Governor at the next preceding general election in such incorporated town or city; and in case an election is asked for a subdivision of said county, composed of two or more complete commissioner's or justice's precincts or school districts, such petition shall describe such subdivision by metes and bounds as well as by the proper numbers of such precincts or school districts; and said petition and the description of such subdivision shall be recorded in full in the minutes of the commissioners court, and such description shall be embraced in the notice given for such election; provided, that where a school district, city or town, may be composed in part of two or more subdivisions of the county named hereinbefore, the right to order and hold an election in such school district, city or town shall not be denied; and provided further, that no city or town shall be divided in holding a local option election for any of the other subdivisions named herein; nor shall any school district which has adopted local option be divided in a subsequent election, held for another of such subdivisions, covering a part of the territory of such school district."

Sec. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. That the near approach of the close of this session creates an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Colquitt, the above report was adopted.

#### BILLS AND RESOLUTIONS.

By Senators Turney and Tillett:

A bill to be entitled "An Act to provide for the sale and lease of the lands belonging to the several public institutions of the State, and to classify said lands."

Read first time and referred to Committee on Public Lands.

By Senator Bowser:

Senate joint resolution, to repeal section 16, article 16, of the Constitution of the State of Texas.

Read first time and referred to Committee on Constitutional Amendments.

Call concluded.

#### HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county officers in this State, and to repeal all laws and parts of laws in conflict therewith,"

With amendments.

Respectfully,

LEE J. ROUNTREE,  
Chief Clerk.

Senator Goss called up

Substitute Senate bill No. 63, a bill entitled "An act to repeal articles 4218d and 4218i, chapter 12a, title 87, of the Revised Statutes of the State of Texas, and to add to said chapter articles 4218ff and 4218fff, and to amend articles 4218e, 4218f and 4218s of said chapter and title, relating to the sale and lease of the public school and asylum lands."

Which had passed the House with amendments, and moved that the Senate do not concur in said amendments, and asked that a free conference committee be appointed.

Carried.

On motion of Senator Linn of Victoria, the regular order of business was suspended, to take up, on second reading,

House bill No. 616, a bill to be entitled "An act to create a more efficient road system for the county of Calhoun, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as said road commissioners, and defining the powers and duties of said commissioners, and providing for the appointment of road overseers, defining their duties, and for the working of county convicts."

upon the roads of said county, and providing for officers' and witnesses' fees, and providing for the working of delinquent poll tax payers upon said roads."

Bill read second time, and passed to third reading.

Senator Linn of Victoria moved that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that the bill be put on its third reading and final passage.

The roll call disclosing no quorum,

Senator Terrell moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.

Absent.

Boren.	Neal.
Bowser.	Presler.
Burns.	Stone.
Dibrell.	Yantis.
Harrison.	Yett.

Linn of Wharton.

Senator Bowser was announced.

Quorum present.

By consent, Senator Bailey sent up the following resolution:

Resolved, that the Hon. Alex. Hogg, a distinguished educator of the State of Texas, be invited to a seat by the side of the President.

Unanimously adopted.

The constitutional rule was then suspended by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Nays—none.

Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Nays—none.

Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

#### PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

House bill No. 539, a bill to be entitled "An act making appropriations for the deficiencies in the appropriations heretofore made for payment of expenses for support of the State government from March 1, 1895, to February 28, 1897, and for previous years, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies."

Action being on the motion of Senator Terrell to reconsider the vote by which the substitute offered by Senator Greer for the amendment of Senator Linn of Victoria was adopted (see Journal, p. 741).

Reconsidered.

Senator Greer withdrew his substitute, and offered in lieu thereof the following:

"To refund to creditors of the O. N. Hollingsworth ledger in cases where moneys were deposited to pay for patents, where patents can not issue, and where moneys were deposited or paid for specific work to be done, but which was not delivered because of the defalcations of the receiver of the Land Office; provided, that sums refunded shall be paid upon the certificate of the Commissioner of the General Land Office showing the facts, approved by the Governor and Attorney General, \$2000."

Adopted.

Amendment as substituted adopted.

By Senator Beall:

On page 3, add to section 1: "To refund liquor tax erroneously collected

from M. A. Dillard, druggist, in local option precinct, from August 11, 1893, to August 11, 1894, being one year's tax, \$300."

**Adopted.**

By Senator Beall:

On page 3, section 1, amend by adding to said section: "To refund liquor tax erroneously collected from T. B. Bond from December 15, 1894, to December 15, 1895, being one year's tax, \$300."

**Adopted.**

By Senator Beall:

On page 3, at the end of section 1, add: "To refund liquor tax erroneously collected from J. J. Hooper, from December 15, 1894, to December 15, 1895, being one year's tax, \$300."

**Adopted.**

By Senator Terrell:

Amend by striking out line 12, on page 2.

**Lost.**

Bill as amended passed to a third reading.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	

Nays—none.

**Absent.**

Boren.	Linn of Wharton.
Burns.	Neal.
Dibrell.	Stone.
Gough.	Yantis.
Harrison.	Yett.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Morriss.
Bowser.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Goss.	Stafford.
Greer.	Terrell.
Kerr.	Tillett.

Turney.  
Wayland.

Woods.

Nays—none.

**Absent.**

Boren.	Linn of Wharton.
Burns.	Neal.
Dibrell.	Stone.
Gough.	Yantis.
Harrison.	Yett.

Senator Wayland called up Senate bill No. 83 (the fee bill) and moved that the Senate do not concur in the House amendments, and asked for a free conference committee.

**Carried.**

On motion of Senator Terrell, the regular order of business was suspended to take up on its second reading,

Senate bill No. 368, a bill to be entitled "An act to repeal article 952, of chapter 18, title 17, of the Penal Code of the State of Texas, relating to theft, robbery, and embezzlement in a foreign State or country and bringing the same into this State."

(Senator Tillett in the chair.)

Bill read second time, and ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Goss.	Terrell.
Greer.	Tillett.
Kerr.	Turney.
Lewis.	Wayland.
Linn of Victoria.	Woods.

Nays—1.

Darwin.

**Absent.**

Boren.	Linn of Wharton.
Burns.	Neal.
Dibrell.	Stone.
Gough.	Yantis.
Harrison.	Yett.

Bill read third time, and passed by the following vote:

Yeas—20.

Atlee.	Goss.
Bailey.	Greer.
Beall.	Kerr.
Bowser.	Lewis.
Colquitt.	Linn of Victoria.
Darwin.	Morriss.

Presler.  
Ross.  
Stafford.  
Terrell.

Tillett.  
Turney.  
Wayland.  
Woods.

Nays—1.

Rogers.

Absent.

Boren.  
Burns.  
Dibrell.  
Gough.  
Harrison.

Linn of Wharton.  
Neal.  
Stone.  
Yantis.  
Yett.

Senator Bailey moved that the regular order of business be suspended to take up, on third reading,

House bill No. 157, a bill to be entitled "An act to amend article 2977 of chapter 4, title 55, of the Revised Statutes of the State of Texas, relating to divorce, so as to permit the wife to obtain a divorce where the husband shall have left her for one year with intention of abandonment, or for non-support on the part of the husband, as well as for the continued drunkenness of either the husband or wife, and to repeal all laws and parts of laws in conflict herewith."

**Lost by the following vote:**

Yeas—13.

Atlee.  
Bailey.  
Beall.  
Bowser.  
Goss.  
Greer.  
Kerr.

Lewis.  
Linn of Victoria.  
Rogers.  
Stafford.  
Turney.  
Woods.

Nays—8.

Colquitt.  
Darwin.  
Morris.  
Presler.

Ross.  
Terrell.  
Tillett.  
Wayland.

Absent.

Boren.  
Burns.  
Dibrell.  
Gough.  
Harrison.

Linn of Wharton.  
Neal.  
Stone.  
Yantis.  
Yett.

Senator Goss called up the motion which had been entered on the Journal (March 12) to reconsider the vote by which

Substitute Senate bill No. 163, entitled "An act to amend articles 3984, 3985 and 4028 of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and repealing articles 3986 and 3987, and all laws in conflict with this act,"

Was ordered engrossed.

Reconsidered.

Senator Colquitt moved to reconsider the vote by which the amendment offered by Senator Greer was adopted.

Senator Greer raised the point of order that it was too late to make the motion to reconsider, the rule requiring such motion to be made within one day after the vote is taken which is sought to be reconsidered.

Sustained.

Senator Colquitt moved that the bill be recommitted to Judiciary Committee No. 2.

Lost.

By Senator Goss:

Amend section 3 by striking out "3981" and inserting "3987."

Adopted.

By Senator Goss:

Amend caption by striking out "and" in line 7 and inserting after "3987" "and 3989."

Adopted.

By Senator Goss:

Amend by striking out all of article 3985, beginning with and including the words, "the trustees" in line 12, down to and including the words "such appropriation" in line 30, and inserting in lieu thereof the following:

"The trustees of any district or community, desiring to expend any of its local funds for the erection or repair of any school house, or the purchase of school furniture, shall, before the beginning of the scholastic year, and before any contract with a teacher for any school in said district or community for that year has been made and filed with the county superintendent, make application to the county superintendent for the appropriation of funds for such purposes. Said application shall be accompanied with the plans and specifications of the house or houses sought to be erected, with a statement of the estimated cost, or in case of desired repairs or furniture a detailed statement of the repairs or furniture desired, together with an estimate of the cost of the same. Upon presentation of the application in proper form and within the proper time, the county superintendent, if it appears to his satisfaction that the house to be erected is necessary and adapted to the needs of the pupils of the district or community, or that the repairs or furniture desired is necessary, shall make an order appropriating such amount as he may deem necessary and proper for the purpose specified in said application, and shall enter in his record an order to that effect."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Linn of Victoria, the regular order of business

was suspended to take up, on second reading,

Senate bill No. 367, a bill to be entitled "An act to compel the commissioners' courts of the several counties of the State of Texas to advertise for bids upon all contracts made by said courts when the contract price shall be equal to or exceed the sum of \$500, and to prescribe the manner and mode of such advertisement."

Bill read second time.

**By Senator Beall:**

Add to section 1 the following: "And provided further, that in case of an emergency, to be entered upon the minutes of said court, the commissioners court may by a two-thirds vote of all members present let any contract to meet the same without advertising, as hereinbefore provided."

Adopted.

**By Senator Darwin:**

Amend by striking out all of line 19, after the word "county," down to and including the word "one," in line 20, and insert the following: "then notice shall be given by posting the same at three public places in the county, one of which shall be at the court house."

Adopted.

**By Senator Colquitt:**

Amend by adding to section 2 the following: "And the county judge or any member of the commissioners court violating the provisions of section 1 of this act shall be fined in any sum not less than \$50 and not more than \$1000."

Adopted.

Senator Rogers moved to reconsider the vote by which the amendment offered by Senator Darwin (see above) was adopted.

Reconsidered.

Senator Rogers moved that the amendment (Darwin's) be laid on the table.

Tabled.

Bill, as amended, ordered engrossed.

On motion of Senator Linn of Victoria, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.

Kerr.	Wayland.
Lewis.	Woods.

Nays—1.

Darwin.

Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.

Nays—1.

Darwin.

Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

On motion of Senator Lewis, the regular order of business was suspended to take up on second reading,

Senate bill No. 348, a bill to be entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts."

The bill was read second time and ordered engrossed.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Nays—none.

Absent.

Boren.	Neal.
Burns.	Presler.

Dibrell. Stone.  
Harrison. Yantis.  
Linn of Wharton. Yett.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Nays—none.

Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

Senator Darwin moved that the Senate adjourn to 3 p. m.

Lost.

On motion of Senator Colquitt, the regular order of business was suspended to take up on second reading.

House bill No. 456, a bill to be entitled "An act to amend subdivision 13, article 22, title 4 of the Revised Civil Statutes of the State of Texas, and to change and fix the times of holding courts in the Thirteenth Judicial District of Texas."

Bill read second time, and passed to third reading.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Nays—none.

Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

The bill was read third time and passed by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Nays—none.

Absent.

Boren.	Neal.
Burns.	Presler.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Wharton.	Yett.

Senator Darwin moved that the Senate adjourn to 3 p. m.

Lost.

On motion of Senator Rogers, the regular order of business was suspended, to take up on its second reading.

Senate bill No. 110, a bill to be entitled "An act to amend article 4221 (3992) and article 4227 (3999) of the Revised Statutes of the State of Texas."

Bill read second time, with committee amendments.

Committee amendments adopted.

On motion of Senator Greer, the Senate adjourned to 3 p. m.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll call. No quorum, the following Senators answering to their names:

Atlee.	Morriss.
Bowser.	Presler.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Absent.

Bailey.	Linn of Wharton.
Beall.	Neal.
Boren.	Rogers.
Burns.	Ross.
Dibrell.	Stone.
Harrison.	Yantis.
Linn of Victoria.	Yett.



Senator Terrell moved a call of the Senate for the purpose of securing and maintaining a quorum, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Morriss.
Bowser.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	

**Absent.**

Bailey.	Linn of Wharton.
Beall.	Neal.
Boren.	Presler.
Burns.	Stone.
Dibrell.	Yantis.
Harrison.	Yett.

Senator Stafford moved that the Senate adjourn to 10 a. m. to-morrow.

**Lost.**

On motion of Senator Lewis, the Senate took a recess of ten minutes.

Senators Presler and Bailey were announced.

Quorum present.

The Chair laid before the Senate,

Senate bill No. 110, a bill to be entitled "An act to amend article 4221 (3992), and article 4227 (3999), of the Revised Civil Statutes of the State of Texas,"

Action being on engrossment.

By Senator Stafford:

Amend by inserting in line 15, page 2, the following, "or if from any other cause such printing costs more in the State than it would outside the State."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Bailey, the regular order of business was suspended to take up, on second reading,

Senate bill No. 129, a bill to be entitled "An act to create and establish an industrial institute in the State of Texas and a college for the education of white girls in the arts and sciences."

Bill read second time, and ordered engrossed.

On motion of Senator Turney, the regular order of business was suspended to take up on second reading.

Senate bill No. 122, a bill to be entitled "An act to amend article 1205, Revised Statutes, relating to parties to suits."

Bill read second time, and ordered engrossed.

**HOUSE MESSAGE.**

The following House message was received:

Hall House of Representatives,  
Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 372, a bill to be entitled "An act to amend the caption and sections 1, 2, 3 and 4 of an act entitled 'An act to amend sections 1, 6, 7, 105, 105a, 105b and 105c, of an act entitled an act to amend sections 38, 103, 105, 106 and 108 of an act entitled an act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88, and 102 of said act, as amended by the Twenty-second Legislature in 1891; and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 106a, 106b, and also 105a, 105b and 105c, in reference to the Board of Equalization, and providing for an appeal from said board to the district court, passed by the Legislature of Texas in the year of 1895, and to add to said act the following sections, to-wit, 105d, 105e, 105f, 105g, 105h, 105n, 105o and 105p, and to repeal all laws and parts of laws in conflict with this act, passed by the Twenty-fifth Legislature in the year 1897, and to re-enact the caption and section 1, 2, 3 and 4 of said act, as the same are hereby amended, and to repeal all laws and parts of laws in conflict with this act,"

Also, that the House has appointed the following free conference committee on Senate bill No. 63: Messrs. Smyth, Robbins, McGaughey, Crowley and Burney.

LEE J. ROUNTREE,  
Chief Clerk.

The Chair announced the following free conference committee on Senate bill No. 63: Senators Goss, Tillett, Greer, Atlee and Darwin.

On motion of Senator Tillett, the regular order of business was suspended, to take up on its second reading.

Senate bill No. 80, a bill to be entitled "An act defining citations in district, county and justice courts, providing for what they shall contain, how issued and how and by whom served and returned, and providing the manner of issuance of certain notices, and providing for the manner of their service and return, and repealing

all laws and parts of laws in conflict therewith."

Senator Tillett called up his motion to reconsider the vote by which the amendments to section 1 were adopted. Reconsidered.

By Senator Tillett:

Amend by striking out all after the word "citation," in line 15, page 1, down to and including the word "citation," line 28, page 1, and insert in lieu of the word "shall," line 28, page 1, the word "may."

Adopted.

By Senator Tillett:

Amend the caption so as to read as follows: "An act prescribing the manner in which citations may be served and returned, and certified copies prepared, served and returned, and providing the fees therefor."

Adopted.

(Senator Stafford in the chair.)

By Senator Tillett:

Amend by changing the numbers of the sections so as to make "section 3" read "section 2," "section 4" read section 3," and so on through the entire number of sections, so as to make the numbers consecutive.

Adopted.

The bill was ordered engrossed.

The following committee reports were made:

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Public Lands, to whom was referred

Senate bill No. 375, a bill to be entitled "An act to provide for the sale and lease of the lands belonging to the several funds of the several public institutions of the State, and to classify said lands,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. —, to repeal section 16, article 16, of the Constitution of the State of Texas,

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 17, a resolution to amend section 15 of article 5 of the Constitution of the State of Texas, relating to the qualifications, powers, and jurisdiction of county judges,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

On motion of Senator Lewis, the Senate adjourned to 10 a. m. to-morrow.

#### EIGHTY-SEVENTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, May 4.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.
Linn of Victoria.	

Absent.

Boren.	Linn of Wharton.
Dibrell.	Neal.
Goss.	Stone.
Gough.	Yantis.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: With gratitude and thanksgiving we acknowledge Thy good providence, Thy love and mercy toward the children of men. We thank Thee for the hum of progress seen and felt everywhere. We bless Thee for the divine energy that quickens all nature and out of which